IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

Tr.P(Crl.).No. 58 of 2007()

MP.Nos.504/02, 833/03, 1010/04 & 1333/06 IN
MC.238/1999 of FAMILY COURT,ERNAKULAM

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PETITIONER:

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1. P.K.MINIMOL THAMPI, W/O.A.N.THAMPI,
PULICKIYIL HOUSE, MARIKA P.O.,
KOOTHATTUKULAM, PALAKUZHA VILLAGE,
MUVATTUPUZHA TALUK.

2. AMAL THAMPI @ SURYA NARAYANAN,
S/O.P.K.THAMPI,PULICKIYIL HOUSE,
MARIKA P.O.,KOOTHATTUKULAM, PALAKUZHA VILLAGE,
MUVATTUPUZHA TALUK, REORESEBTED BY HIS MOTHER
P.K.MINIMOL THAMPI.

BY ADV. SRI.SUNIL CYRIAC
SMT.N.SINDHU

RESPONDENTS:

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1. A.N.THAMPI,S/O.NARAYANAN ACHARY,
AMBALAKUNNEL HOUSE, S.H.MOUNT P.O.,
NEAR VAYANASALA,KOTTAYAM-6.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT.

BY ADV. SMT.K.V.BHADRA KUMARI
PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Tr.P(Crl.) No.58 of 2007

Dated this the 23rd day of August, 2007

O R D E R

The petitioners have obtained an order under Section 125 Cr.P.C directing the 1st respondent herein to pay maintenance to both of them. That order was passed in M.C.No.238 of 1999 on the file of the Family Court, Ernakulam. Execution petitions are pending as the 1st respondent has not remitted the amounts payable under Section 125 Cr.P.C. Four such petitions namely, M.P.Nos.504/2002, 833/2003, 1010/2004 & 1333/2006 are all pending before the Family Court at Ernakulam. The petitioners lament that because of the recalcitrant attitude of the 1st respondent, they are not able to get the fruits of the order passed under Section 125 Cr.P.C.

2. According to the petitioners, the 1st respondent resides at Kottayam. He has an item of property within the jurisdiction of the Family Court, Kottayam. Even though petitioners reside within the jurisdiction of the Family Court at Ernakulam, they pray that there may be a direction for transfer of all the pending M.Ps (M.P.Nos.504/2002, 833/2003, 1010/2004 & 1333/2006) to the Family Court at Kottayam, so that they can attempt to proceed against the properties of the 1st respondent which are admittedly there within the jurisdiction of Family

Court, Kottayam. It is also submitted that an order has been passed in an O.P, for the execution of which the said property has been attached. In these circumstances, the petitioners pray that all these M.Ps.504/2002, 833/2003, 1010/2004 & 1333/2006 may be transferred to the Family Court, Kottayam.

3. The learned counsel for the 1st respondent opposes the application. What is the ground for opposition ? The learned counsel for the 1st respondent submits that the 1st respondent is willing to pay the entire amount due on these M.Ps. When will that amount be paid ? Why have these amounts not been paid so far ? No satisfactory explanations are forthcoming. I am, in these circumstances, satisfied that this is an eminently fit case where the prayer for transfer ought to be allowed to ensure and facilitate expeditious recovery of the amount due under the order p3assed under Section 125 Cr.P.C.

4. This Transfer Petition is, in these circumstances, allowed. Crl.M.Ps (M.Ps.504/2002, 833/2003, 1010/2004 & 1333/2006) pending before the Family Court, Ernakulam are transferred to the Family Court, Kottayam (at Ettumanoor). The Family Court, Ernakulam shall forthwith transmit all records to the Family Court, Kottayam. Both parties shall appear before the Family Court, Kottayam without waiting for any further direction on 17.09.07. The

Family Court, Ernakulam shall ensure that the records do reach the Family Court, Kottayam well before that date.

5. It is further directed that the interim stay which was granted initially on 20.07.07 and extended from time to time shall now remain in force till 17.09.2007.

(R.BASANT, JUDGE)

rtr/-